

## RESOLUTION

### RESOLUTION OF KERR COUNTY COMMISSIONERS' COURT SETTING FORTH ITS CONCERNS AND POSITION ON THE PROPOSED LOWER COLORADO RIVER AUTHORITY TRANSMISSION SERVICES CORPORATION (LCRA) MCCAMEY D – KENDALL - GILLESPIE 345-KILOVOLT TRANSMISSION LINE THAT MAY IMPACT KERR COUNTY.

- WHEREAS,** The Public Utilities Commission of Texas (PUC) has selected The Lower Colorado River Authority Transmission Services Corporation (LCRA) to construct and operate segments of the Competitive Renewable Energy Zones (CREZ) transmission lines that will be located throughout the Texas Hill Country, and
- WHEREAS,** LCRA is proposing to construct the McCamey D – Kendall - Gillespie 345-kilovolt Transmission Line which may impact property and commerce in Kerr County, and
- WHEREAS,** Individual private property rights are one of the fundamental rights set forth in the Constitution of the United States of America, and
- WHEREAS,** Kerr County is one of the most beautiful, scenic, environmentally-sensitive and valuable assets in the State of Texas; and
- WHEREAS,** Kerr County Commissioners Court is the local governmental entity that represents the residents of Kerr County and is submitting this resolution to provide input to LCRA and the PUC to help guide this decision; now

**THEREFORE, BE IT RESOLVED,** that on this day, the 14<sup>th</sup> of June 2010, Kerr County Commissioners' Court unanimously requests that LCRA and ultimately the PUC use the following criteria in selecting the McCamey D – Kendall- Gillespie transmission line route or any other proposed transmission line route in Kerr County:

LCRA and the PUC must respect private property rights and only locate transmission lines on property where property owners voluntarily enter into agreements with LCRA at fair market value. Condemnation or the threat of condemnation should not be used by LCRA. This principal should be used by LCRA and the PUC as the primary consideration of route selection.

In locating new transmission lines, highest priority should be given to locating such lines within or adjacent to existing transmission easements or rights-of-way upon which there are existing aerial structures, even if such consolidation increased the total cost of the project.

LCRA and the PUC must use the following general criteria in selecting the transmission line route and such criterion is consistent with the criteria set per the Texas Administrative Code and Texas Utility Code:

- Private property fragmentation; to the maximum extent possible transmission lines should follow property lines and must not divide property into small or unmarketable tracts;

- The diminishment of property values;
- Environmental and land use constraints, topography, engineering feasibility and policy of prudent avoidance;
- Any adverse effect upon the aesthetics and beauty of the Hill Country vistas and natural resources such as rivers, tributaries and sensitive environmental areas;
- Any negative impact upon the economic development and tourism in the Hill Country;

Transmission lines should not be located on property within a two mile radius of the city limits of Kerrville or Ingram as these are areas of high population density and are primary development areas.

Transmission lines should not be located on property within platted subdivisions or other communities of concentrated population such as Comfort, Mountain Home and Center Point, to the extent possible.

Single pole structures should be used and not lattice structure poles.

Existing transmission and other rights-of-way, including highways, should be used or property adjacent to existing rights-of-way.


Construction of new transmission lines should not be permitted until such time as the full or near-full capacity of existing public and private transmission lines are being utilized.

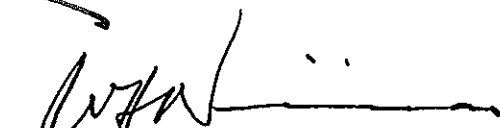
The segment(s) of the transmission line route(s) at the Kendall Station is located near the community of Comfort and it is recognized meeting all these criteria may not be possible. However, priority consideration should be given to utilizing existing transmission lines rights-of-way, avoiding property fragmentation, avoiding platted subdivisions and respecting private property rights by reaching voluntary agreements with property owners.

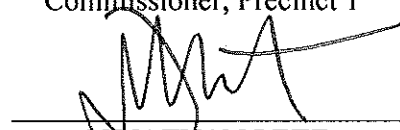
**THEREFORE, BE IT FURTHER RESOLVED**, that after review of the proposed McCamey D – Kendall - Gillespie Transmission Line routes, the Kerr County Commissioners' Court believes the route that most completely fulfills the criteria set forth herein is the northern route which extends from McCamey D eastward to Menard and east/southeast to Mason and southeast to Fredericksburg and south into Comfort and more particularly described by map designations as follows: P1-P2a (or P2b) - P3 - P4a (or P4b) - P5 - P6a (or P6b) - P7 - P8a - (route around/through Fredericksburg at choosing of Gillespie County/Fredericksburg) - A3.


Approved this 14th day of June, 2010.

  
PAT TINLEY,  
Kerr County Judge

  
H.A. "BUSTER" BALDWIN,  
Commissioner, Precinct 1

  
WILLIAM H. WILLIAMS,  
Commissioner, Precinct 2

  
JONATHAN LETZ,  
Commissioner, Precinct 3

  
BRUCE OEHLER,  
Commissioner, Precinct 4



**Harvey Hilderbran**

MEMBER

# The Texas House of Representatives

State Representative • District 53

June 14, 2010

Kerr County Commissioners' Court  
700 Main Street  
Kerrville, TX 78028

Dear Judge and Commissioners:

Thank you for inviting me to the Commissioner's Court meeting. While my schedule unfortunately does not permit me to attend, there are several important facts about the proposed CREZ transmission line route that I wish to convey to the commissioners.

As you may be aware, I recently met with Kerr County Judge Tinley to discuss the proposed CREZ line routes passing through Kerr County. I share the concerns of many Kerr County residents regarding the routes in Kerr County, and the Judge and I agree on criteria that the LCRA and the PUC should use in selecting CREZ line routes. For example, the transmission line should not cross private land, but should instead follow public power line easements, highways and roadways, and property lines.

I have not proposed a CREZ line route, nor have I endorsed any CREZ lines. Rather, my job has been to respond to my constituents and advance their voices before the PUC and LCRA. My objective has been to minimize the damage and mitigate the negative impact that the CREZ lines will have on the Hill Country.

I have been in constant contact with LCRA regarding the very serious concerns over the I-10 segment in Kerrville. In addition, I am exploring alternatives and modifications to the I-10 route and will be writing a letter to the PUC expressing our concerns.

I have worked with my constituents and officials in every county and look forward to continuing to work with you in the final stages of this process to protect our landowners and communities.

Thank you for this opportunity to address this meeting of the Commissioner's Court.

Respectfully,

A handwritten signature in black ink, appearing to read "Harvey Hilderbran".

Harvey Hilderbran  
State Representative